

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**NOAH BANK and EDWARD SHIN)
Plaintiffs,) Civil Action
v.) No. 18-1413-WB
SUNDAY JOURNAL USA CORPORATION)
And Y&L MEDIA, INC., d/b/a SUNDAY)
JOURNAL USA,)
Defendants.)**

**MOTION FOR ORDER ALLOWING SUBSTITUTED SERVICE
OF PROCESS PURSUANT TO FED. R. CIV. P. 4(h)**

Plaintiffs, Noah Bank and Edward Shin, by their attorneys, The Basil Law Group, P.C., pursuant to Fed. R. Civ. P. 4(h), request that this Court enter an Order to allow Noah Bank and Edward Shin to make substituted service upon Defendant Y & L Media, Inc., d/b/a Sunday Journal USA (“Y & L Media”) by serving the California Secretary of State with the Summons and Complaint in this matter.

Defendant Y & L Media is a California corporation with its principal place of business located in California. Plaintiffs sought to serve the registered agent for service of process of Y & L Media, Richard Hun Yun, at the location stated in Y & L Media’s filing with the California Secretary of State. Plaintiffs’ process server, however, was unable to serve Richard Hun Yun at the address stated in Y & L Media’s filing with the State of California because Richard Hun Yun does not reside at that address.

Plaintiffs also attempted to serve Richard Hun Yun at the office address of Y & L Media, as stated in Y & L Media’s filing with the California Secretary of State. Again, Plaintiffs’ process server was unable to serve Mr. Yun at the address stated in Y & L Media’s filing with

the state because Y & L Media is no longer located at that address.

Fed. R. Civ. P. 4(h)(1)(A) provides that a domestic or foreign corporation may be served in the manner prescribed by Rule 4(e)(1). Rule 4(e)(1) provides that an individual may be served within the United States by following state law for serving a summons in an action brought in courts of general jurisdiction in the state where service is made. Here, Plaintiffs intend to follow California law to serve Y & L Media.

Pursuant to Cal. Corp. Code § 1702 (West 2017), if an agent designated for service of process cannot, with reasonable diligence, be found at the address designated for such service, service may be made upon the corporation by delivering by hand the summons to the Secretary of State. However, the California statute provides that a court must issue an order allowing substituted service.

In this case, Plaintiffs have met the requirements necessary for the Court to issue an order allowing substituted service upon the California Secretary of State. Plaintiffs have demonstrated reasonable diligence, as required under the statute, in seeking to serve Richard Hun Yun at the addresses identified in Y & L Media's filings with the California Secretary of State. Given that Mr. Yun cannot be found at either of the addresses identified in Y & L Media's filings, making service upon Y & L Media by delivering process to the California Secretary of State is the only means Plaintiffs have available under California law to effectuate service upon Y & L Media.

WHEREFORE, for the reasons set forth in the attached memorandum of law, Plaintiffs Noah Bank and Edward Shin respectfully request that the Court grant this motion and enter the attached proposed order.

Dated: July 30, 2018

Respectfully submitted,

/s/ David A. Cohen
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